



2003 ASSEMBLY BILL 505

September 11, 2003 - Introduced by Representatives AINSWORTH, BIES, HINES and OWENS. Referred to Committee on Highway Safety.

1 **AN ACT to amend** 345.60 (1) and (2), 346.17 (2), 346.22 (1) (a), 346.22 (2), 346.22
2 (3), 346.30 (1) (b) 1., 346.30 (2), 346.30 (4), 346.36 (1), 346.43 (1) (b) 1., 346.49
3 (2m) (a), 346.60 (2) (a), 346.60 (2) (b) and 346.60 (3); and **to create** 38.04 (4) (e)
4 3., 115.28 (11) (c), 343.30 (2r), 343.61 (6) (c) and 345.60 (4) of the statutes;
5 **relating to:** committing 3 or more specified traffic offenses within a single
6 course of conduct, driver education instruction, and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law prescribes specific penalties for violations of the rules of the road, which govern the operation of vehicles on public highways. Penalties vary depending on the severity of the offense, the consequences of the violation, and the number of previous violations. Penalties include fines and civil monetary penalties; terms of imprisonment; suspension or revocation of a motor vehicle operating privilege; required attendance at a course of instruction in traffic safety or defensive driving or a similar course or at driver improvement counseling; or certain combinations of these penalties.

This bill creates a penalty enhancer for persons convicted of violating three or more specified traffic offenses within a single course of conduct. In addition to any penalty imposed for the distinct offenses, a person who violates three or more of the following offenses during a single course of conduct will be required to attend a traffic safety school and will have his or her operating privilege suspended:

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1. Disregarding a traffic control signal or flashing red or yellow lights.
2. Following another vehicle too closely.
3. Violating the rules of right-of-way, including failure to yield the right-of-way to an emergency vehicle, funeral procession, military convoy, highway maintenance or construction workers whose presence is indicated by flagmen or warning signs, or a pedestrian or bicyclist crossing at an intersection or crosswalk.
4. Disregarding a signal to stop at a railroad crossing.
5. Violating a maximum speed limit.
6. Overtaking or passing a vehicle in an unsafe or prohibited manner.
7. Turning or changing lanes in a vehicle without giving the appropriate signal for at least 100 feet.

The period of suspension of operating privilege is the shorter of six months or until successful completion of traffic safety school or, if the person has had his or her operating privilege suspended for a similar course of conduct within the preceding 24 months, the longer of one year or until successful completion of traffic safety school.

Current law requires all driver education courses offered by school districts, county children with disabilities education boards, technical college districts, and driver schools to acquaint each student with the hazards posed by farm machinery and animals on highways and by railroad grade crossings and to provide instruction in safely dealing with such hazards. Driver education courses must also include at least 30 minutes of instruction relating to organ and tissue donation and organ and tissue donation procedures.

This bill requires driver education courses to also acquaint each student with the hazards posed by aggressive, hostile, or violent driving (including “road rage”) and to provide instruction in safely dealing with such hazards.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 38.04 (4) (e) 3. of the statutes is created to read:

2 38.04 (4) (e) 3. Acquaints each student with the hazards posed by aggressive,
3 hostile, or violent operation of a motor vehicle and provides instruction in safely
4 dealing with such hazards.

5 **SECTION 2.** 115.28 (11) (c) of the statutes is created to read:

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1 115.28 **(11)** (c) Acquaint each student with the hazards posed by aggressive,
2 hostile, or violent operation of a motor vehicle and provide instruction in safely
3 dealing with such hazards.

4 **SECTION 3.** 343.30 (2r) of the statutes is created to read:

5 343.30 **(2r)** (a) In this subsection, “offense” means a violation of s. 346.07,
6 346.08, 346.09, 346.14, 346.18, 346.19 (1), 346.20, 346.23, 346.24 (1), 346.27, 346.34
7 (1) (b), 346.37, 346.39, 346.44, or 346.57, or of a local ordinance that strictly conforms
8 to any of those sections.

9 (b) 1. If a court finds that a person committed 3 or more offenses during a single
10 course of conduct, the court shall, in addition to any other penalty provided for the
11 offenses, order the person to attend a traffic safety school as provided under s. 345.60
12 (4) and, except as provided in subd. 2., shall suspend the person’s operating privilege
13 for the lesser of 6 months or until successful completion of the traffic safety school.

14 2. If the person committed the course of conduct that requires suspension under
15 this subsection within 24 months after committing a course of conduct that required
16 suspension under this subsection, the court shall suspend the person’s operating
17 privilege for the greater of one year or until successful completion of the traffic safety
18 school.

19 (c) Notwithstanding s. 343.10 (2) (a) 4., a person whose operating privilege is
20 suspended under this subsection may apply for an occupational license within 15
21 days after the date of suspension.

22 **SECTION 4.** 343.61 (6) (c) of the statutes is created to read:

23 343.61 **(6)** (c) Acquaints each student with the hazards posed by aggressive,
24 hostile, or violent operation of a motor vehicle and provides instruction in safely
25 dealing with such hazards.

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1 **SECTION 5.** 345.60 (1) and (2) of the statutes are amended to read:

2 345.60 (1) Except as provided in sub.~~(3)~~ subs. (3) and (4), in addition to or in
3 lieu of other penalties provided by law for violation of chs. 346 to 348, the trial court
4 may in its judgment of conviction order the convicted person to attend, for a certain
5 number of school days, a traffic safety school whose course and mode of instruction
6 is approved by the secretary and which is conducted by the police department of the
7 municipality, by the sheriff's office of the county, or by any regularly established
8 safety organization.

9 (2) ~~This section~~ Subsection (1) also applies in the case of an adjudication of
10 violation of a local traffic regulation which is in conformity with chs. 346 to 348.

11 **SECTION 6.** 345.60 (4) of the statutes is created to read:

12 345.60 (4) In addition to other penalties provided under s. 343.30 (2r) (b), a
13 court shall order the offender to attend, for a certain number of school days, a school
14 under sub. (1).

15 **SECTION 7.** 346.17 (2) of the statutes is amended to read:

16 346.17 (2) ~~Any~~ Subject to s. 343.30 (2r), any person violating ss. 346.05, 346.07
17 (2) or (3), 346.072, 346.08, 346.09, 346.10 (2) to (4), 346.11, 346.13 (2), or 346.14 to
18 346.16 may be required to forfeit not less than \$30 nor more than \$300.

19 **SECTION 8.** 346.22 (1) (a) of the statutes is amended to read:

20 346.22 (1) (a) Except as provided in par. (b), and subject to s. 343.30 (2r), any
21 person violating s. 346.18 or 346.20 (1) may be required to forfeit not less than \$20
22 nor more than \$50 for the first offense and not less than \$50 nor more than \$100 for
23 the 2nd or subsequent conviction within a year.

24 **SECTION 9.** 346.22 (2) of the statutes is amended to read:

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1 346.22 (2) ~~Any Subject to s. 343.30 (2r), any person violating s. 346.19 or 346.20~~
2 (4) (a) may be required to forfeit not less than \$30 nor more \$300.

3 **SECTION 10.** 346.22 (3) of the statutes is amended to read:

4 346.22 (3) ~~Any Subject to s. 343.30 (2r), any person violating s. 346.20 (2), (3),~~
5 or (4) (b) or (c) or 346.21 may be required to forfeit not less than \$10 nor more than
6 \$20 for the first offense and not less than \$25 nor more than \$50 for the 2nd or
7 subsequent conviction within a year.

8 **SECTION 11.** 346.30 (1) (b) 1. of the statutes is amended to read:

9 346.30 (1) (b) 1. Unless otherwise provided in subd. 2., and subject to s. 343.30
10 (2r), any operator of a vehicle violating s. 346.23 or 346.28 may be required to forfeit
11 not less than \$20 nor more than \$40 for the first offense and not less than \$50 nor
12 more than \$100 for the 2nd or subsequent conviction within a year.

13 **SECTION 12.** 346.30 (2) of the statutes is amended to read:

14 346.30 (2) Unless otherwise provided in sub. (1) (b) 2., and subject to s. 343.30
15 (2r), any person violating s. 346.24 (1) or (3) may be required to forfeit not less than
16 \$30 nor more than \$300.

17 **SECTION 13.** 346.30 (4) of the statutes is amended to read:

18 346.30 (4) ~~Any Subject to s. 343.30 (2r), any person violating s. 346.27 may be~~
19 required to forfeit not less than \$60 nor more than \$600.

20 **SECTION 14.** 346.36 (1) of the statutes is amended to read:

21 346.36 (1) Unless otherwise provided in sub. (2), and subject to s. 343.30 (2r),
22 any person violating ss. 346.31 to 346.35 may be required to forfeit not less than \$20
23 nor more than \$40 for the first offense and not less than \$50 nor more than \$100 for
24 the 2nd or subsequent conviction within a year.

25 **SECTION 15.** 346.43 (1) (b) 1. of the statutes is amended to read:

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1 346.43 (1) (b) 1. Unless otherwise provided in subd. 2. or 3., and subject to s.
2 343.30 (2r), any operator of a vehicle violating ss. 346.37 to 346.39 may be required
3 to forfeit not less than \$20 nor more than \$40 for the first offense and not less than
4 \$50 nor more than \$100 for the 2nd or subsequent conviction within a year.

5 **SECTION 16.** 346.49 (2m) (a) of the statutes is amended to read:

6 346.49 (2m) (a) Unless otherwise provided in par. (b), and subject to s. 343.30
7 (2r), any person violating s. 346.44 may be required to forfeit not more than \$1,000.

8 **SECTION 17.** 346.60 (2) (a) of the statutes is amended to read:

9 346.60 (2) (a) Except as provided in sub. (3m) or (5), and subject to s. 343.30
10 (2r), any person violating s. 346.57 (4) (d) to (g) or (h) or (5) or 346.58 may be required
11 to forfeit not less than \$30 nor more than \$300.

12 **SECTION 18.** 346.60 (2) (b) of the statutes is amended to read:

13 346.60 (2) (b) Except as provided in sub. (3m) or (5), and subject to s. 343.30
14 (2r), any person violating s. 346.57 (4) (gm) may be required to forfeit not less than
15 \$50 nor more than \$300.

16 **SECTION 19.** 346.60 (3) of the statutes is amended to read:

17 346.60 (3) Except as provided in sub. (3m) or (5), and subject to s. 343.30 (2r),
18 any person violating s. 346.57 (2), (3), or (4) (a) to (c) may be required to forfeit not
19 less than \$40 nor more than \$300 for the first offense and may be required to forfeit
20 not less than \$80 nor more than \$600 for the 2nd or subsequent conviction within a
21 year.

22 **SECTION 20. Initial applicability.**

23 (1) The treatment of sections 343.30 (2r), 345.60 (1), (2), and (4), 346.17 (2),
24 346.22 (1) (a), (2), and (3), 346.30 (1) (b) 1., (2), and (4), 346.36 (1), 346.43 (1) (b) 1.,

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1 346.49 (2m) (a), and 346.60 (2) (a) and (b) and (3) of the statutes first applies to
2 offenses committed on the effective date of this subsection.

3 (2) The treatment of sections 38.04 (4) (e) 3., 115.28 (11) (c), and 343.61 (6) (c)
4 of the statutes first applies to driver education courses that are begun on the effective
5 date of this subsection.

6 **SECTION 21. Effective date.**

7 (1) This act takes effect on the first day of the 3rd month beginning after
8 publication.

9 (END)